

**City of Greensboro Planning Department
Zoning Staff Report
April 12, 2004 Public Hearing**

The information provided in this staff report has been included for the purpose of reviewing proposed zoning changes. Since the zoning process does not require a site plan, there may be additional requirements placed on the property through the Technical Review Committee process to address subdivision and development regulations.

Item: E

Location: East Side of New Garden Road South of Joseph M. Bryan Boulevard (39.4 acres)

Applicant: Charles E. Melvin, Jr.

Owner: Highwoods Realty Limited Partnership

From: Conditional District – Shopping Center

To: Conditional District – Shopping Center

- Conditions:**
- 1) All uses permitted in the “SC” zoning district except sexually oriented businesses, as defined in the ordinances of the City of Greensboro, and hotels.
 - 2) No more than one (1) access point on New Garden Road at a location approved by the Greensboro Department of Transportation and the North Carolina Department of Transportation.
 - 3) A maximum of 475,000 square feet of buildings, provided this property and the adjacent CD-GO-M zoned property to the southwest shall not contain a combined total of more than 800,000 square feet of buildings. Parking decks shall not be considered to be a building for the purpose of this provision.
 - 4) A maximum building height of 60 feet.
 - 5) A 30-foot landscaped buffer shall be provided along the entire frontage of this zoning district along New Garden Road and extending to the northernmost property line of Cross of Christ Lutheran Church.
 - 6) No building will be constructed within 50 feet of the southern right-of-way of New Garden Road.
 - 7) The maximum height of any parking deck shall be 50 feet.
 - 8) From a distance of 300 feet from the easterly margin of New Garden Road, restaurants with drive-throughs will not be permitted.

SITE INFORMATION	
Existing Land Use	Banks, Restaurant, Undeveloped
Acreage	39.419
Physical Characteristics	<i>Topography:</i> Rolling <i>Vegetation:</i> Open Field <i>Other:</i> n/a
Overlay Districts	Visual Corridor Overlay (Bryan Blvd.) - Prohibition of Billboards within 1500' of right-of-way.
Historic District/Resources	n/a
Generalized Future Land Use	Mixed Use Commercial
Other	n/a

SURROUNDING ZONING AND LAND USE		
Location	Land Use	Zoning
<i>North</i>	Bryan Boulevard	RS-40
<i>South</i>	Office Building, Undeveloped	CD-GO-M
<i>East</i>	Hebrew Academy	CD-RS-12
<i>West</i>	New Garden Crossing Shopping Center	CD-SC

ZONING HISTORY		
Case #	Year	Request Summary
2481	1996	The Jefferson Pilot tract was originally zoned RS-40 and RS-12 with an effective date of March 5, 1996 in conjunction with the establishment of extraterritorial jurisdiction granted to the City by Guilford County.
2507	1996	The 414 acre Jefferson Pilot tract was rezoned from RS-40 and RS-12 to CU-PDM by City Council on August 20, 1996.
2579	1997	A 40 acre tract at the northwest corner of the Jefferson Pilot property was rezoned from CU-PDM to CU-SC by the Zoning Commission on May 12, 1997.
2811	2000	This tract was rezoned by the Zoning Commission from CU-SC to CU-SC on February 14, 2000.

DIFFERENCES BETWEEN CD-SC (EXISTING) AND CD-SC (PROPOSED) ZONING DISTRICTS

CD-SC: The Shopping Center District is primarily intended to accommodate a wide range of high intensity retail and service developments meeting the shopping needs of the community and the region. The district is established on large sites to provide locations for major developments which contain multiple uses, shared parking and drives, and coordinated signage and landscaping. Existing CD-SC (#2811) contains conditions which involve dedication and construction of two northbound through lanes and a landscaped median, as well as a requirement for a master development plan for the entire Jefferson Pilot tract. There is also a condition that reads: "From a distance of 300 feet from the easterly margin of New Garden Road, only those uses permitted in the GO-M District and restaurants without drive-throughs will be permitted."

CD-SC: The proposed CD-SC District eliminates the road dedication and construction conditions and the requirement for the master plan which have been fulfilled. This proposal contains a condition that reads: "From a distance of 300 feet from the easterly margin of New Garden Road, restaurants with drive-throughs will not be permitted." The limitation that this area can only contain GO-M uses has been eliminated. The remainder of the conditions in the current application are carry-overs from CD-SC (#2811).

TRANSPORTATION

Street Classification	New Garden Road - Minor Thoroughfare, Bryan Boulevard - Major Thoroughfare, Hobbs Road - Collector
Site Access	Existing, no new accesses will be approved.
Traffic Counts	New Garden Road ADT = 27,464, Bryan Boulevard ADT = 36,000, Hobbs Road ADT = 2,800
Trip Generation	23,197 trips per average weekday
Sidewalks	Existing.
Transit	No.
Traffic Impact Study	Yes, required.
Other	

ENVIRONMENTAL REVIEW

Water Supply Watershed	Yes, Greensboro
Floodplains	Non-FEMA
Streams	Multiple small channels
Other	Existing lake

CONNECTIONS 2025 COMPREHENSIVE PLAN POLICIES

Connections 2025 Written Policies:

Growth at the Fringe Goal: Provide a development framework for the fringe that guides sound, sustainable patterns of land use, limits sprawl, protects rural character, evidences sound stewardship of the environment, and provides for efficient provision of public services and facilities as the City expands. Development will increase density and mix land uses at a pedestrian scale with sidewalks, bikeways, and where possible, public transit.

POLICY 4G.1: Promote compact development.

POLICY 7C: Ensure that city land use policies and regulations allow for an adequate supply of land to accommodate economic development.

POLICY 7C.1: Ensure that adequate land is zoned and has infrastructure available for the various stages of business development.

Connections 2025 Map Policies:

The area requested for rezoning lies within the following map classifications:

Mixed Use Commercial: This designation is intended to promote a mix of uses, of which various commercial uses remain predominant, but where residential, service, and other uses are complementary. Where applied to older highway corridors characterized by “strip” commercial uses, the intent is to encourage infill and redevelopment for a more diverse and attractive mix of uses over time. Examples include residential units over commercial uses or a wider array of economically viable uses to replace obsolete uses. Such areas also may represent opportunities for the introduction of substantial higher density and/or mixed-income housing, with negligible impacts on, or resistance from, nearby single-family neighborhoods. Ensuring that buildings are of the appropriate scale and intensity is critical, as is ensuring that sites are designed in a coordinated, as opposed to a lot-by-lot, manner.

CONFORMITY WITH OTHER PLANS

The following aspects of relevant plans may be applicable in this case:

City Plans:

Other Plans:

STAFF COMMENTS

Planning: When this property was rezoned to CU-PDM in 1996, the sketch plan showed a 20-acre tract on the east side of New Garden Road at the ramp to Bryan Boulevard as being limited to GO-H uses (maximum of 200,000 square feet of buildings and maximum building height of 60 feet), including a hotel (maximum building height of 100 feet). A 79-acre tract immediately south of that tract was designated as a “Shopping Village” limited to SC uses with a maximum of 790,000 square feet and a maximum building height of 50 feet.

In 1997 a 40-acre tract on the east side of New Garden Road at the ramp was rezoned to CU-SC and limited to SC uses with a maximum of 400,000 square feet and a maximum height of 50 feet. At the same time, a 40-acre tract immediately south of that parcel was rezoned to CU-GO-M and limited to GO-M uses (except hotels and residential uses) with a maximum of 400,000 square feet and a maximum height of 60 feet. These two rezoning requests were a portion of a five-part rezoning proposal for the entire Jefferson Pilot property which resulted from a mutual agreement that was reached between the company and area residents.

Staff recommended in favor of this 1997 five-part proposal, in part based upon Forecast 2015 which envisioned more creative and more efficient use of land. One of the visions contained in Forecast 2015 stated that high density mixed use activity centers were encouraged. Such centers feature planned groupings of retail, office, residential, and open space where the natural and built environment work in partnership. Staff felt that those five proposals met the spirit and intent of that vision.

At that time, staff pointed out that the amount of commercial was less than and the amount of open space was more than the original 1996 plan of development for the property. A key feature of those requests was that the more intensive, nonresidential portions were separated from existing single family neighborhoods by the residential, open space, school site (Jefferson Elementary School), and park portions, or by road right-of-way. It was also mentioned that the CU-GO-M tract would act in a transitional capacity between the commercial and residential land uses in the area.

In February 2000, the 40-acre tract at the ramp was rezoned from CU-SC to CU-SC with some adjustments made to several conditions. The maximum square footage of buildings was increased to 475,000 square feet; however, a provision was included that this property and the adjacent CU-GO-M zoned property to the southwest could not contain a combined total of more than 800,000 square feet of buildings and a clarification was included that parking decks would not be included in that calculation. A second adjustment raised the maximum building height from 50 feet to 60 feet. Staff recommended in favor of those adjustments and the Zoning Commission, with one abstention, unanimously approved the changes to the conditions.

This present proposal returns the subject property to the way it was zoned in 1997, i.e. it allows all uses permitted in the SC District over the entire 40-acre tract. However, the stipulation that there be no more than 800,000 square feet of buildings on the subject tract and the CD-GO-M parcel to the south has been retained.

The applicant's attorney has confirmed to staff that a request will be made at the public hearing to add the following condition: "Use will be predominately commercial with complementary uses such as office, residential and service."

The outparcels located at 1509, 1601 and 1605 New Garden Road which contain First Citizens Bank, Carolina Bank and TK Tripps, respectively, will be deleted from this request since these properties are separately owned and were not included in the current rezoning application. They will retain the current CD-SC zoning and the conditions associated with CD #2811.

This request is consistent with Connections 2025 policies of promoting compact development, ensuring that adequate land is available to accommodate economic development, and ensuring that adequate land is zoned for the business development. Furthermore, this request is compatible with the Generalized Future Land Use Map which designates this area as Mixed Use Commercial.

The applicant is considering adding conditions that would establish a maximum size in terms of gross floor area for certain uses, that would eliminate certain selected uses, and that would address exterior lighting.

GDOT: The Highwoods Boulevard Circle and the intersection of New Garden Road with the major access will have the potential to experience safety and operational issues. There will be some weaving and queing problems at some key peak hour times. The developer's traffic consultant has proposed modifying the signal timing to mitigate their traffic issues. However, even with the revised signal timing queing and weaving problems will more than likely still occur during peak periods.

Water Resources: No additional comments.

HCD: No comments.

STAFF RECOMMENDATION

Based on all the information contained in this report, the Planning Department recommends approval.

ADDITIONAL INFORMATION